

Response to Comments

Las Virgenes Municipal Water District Tapia Water Reclamation Facility (Tapia WRF) Tentative Waste Discharge Requirements and NPDES Permit

This Table describes all significant comments received from interested persons with regard to the above-mentioned tentative permit. Each comment has a corresponding response and action taken.

Commenter	#	Comment	Response	Action Taken
Comments received from the Las Virgenes Municipal Water District on May 08, 2017				
Las Virgenes Municipal Water District	1	<p>Monitoring and Reporting Program, Page E-25, Table E-6.</p> <p>Replace the requirement for total and fecal coliform monitoring specified in Table E-6, Receiving Water Monitoring Requirements for Floating Stations, with <i>E. coli</i> monitoring for consistency with the bacteriological receiving water limitations described in the Fact Sheet (p. F-51) and the Water Quality Objectives specified in Chapter 3 of the Water Quality Control Plan for the Los Angeles Region (Basin Plan) for fresh waters designated for water contact recreation (REC-1). This change would also match the bacteriological monitoring requirements to those for other receiving water stations as specified in Table E-5, Receiving Water Monitoring Requirements.</p>	Total and fecal coliform monitoring are not required in the applicable receiving waters because there are natural sources of bacteria that may not be the result of the waste discharged. Since it is not the intent of the Regional Water Board to require treatment of natural sources of bacteria from undeveloped areas, the Los Angeles Basin Plan includes water quality objectives for <i>E. coli</i> for fresh waters designated with a Water Contact Recreation (REC-1) beneficial use. Since the Basin Plan includes water quality objectives for <i>E. coli</i> and not total and fecal coliform for water bodies designated with a REC-1 beneficial use, staff replaced total and fecal coliform in Table E-6 with <i>E. coli</i> for the required receiving water monitoring for the floating stations. This is also consistent with the receiving water monitoring requirements in Table E-5 and the rationale included in the Fact Sheet on page F-51.	Revisions were made to the permit.
Las Virgenes Municipal Water District	2	<p>Tentative Order, Page 8, Section V.</p> <p>Reorganize Tentative Order Section V. such that the requirement for Maintaining Minimal Streamflow for Endangered Species is included in a newly-created Section V.C, rather than including the provision under Section V.B., Qualifying Storm Events, which is an unrelated topic.</p>	Discharging to Malibu Creek during the prohibition period to maintain a minimum stream flow for endangered species is a separate requirement from discharging during qualifying storm events. "Maintaining Minimal Stream Flow for Endangered	Revisions were made to the permit.

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		<p>Also, modify the language for the requirement to more closely mirror those in Order R4-2010-0165 and reflect the existing approval process for these flow augmentation discharges. Replace the sentence “During the prohibition period, the Discharger must submit written notification to the Regional Water Board, including a discussion as to which prohibition exception applies, prior to discharging into Malibu Creek.” with “During the prohibition period, the Discharger must obtain written permission from the Executive Officer to discharge to Malibu Creek for the purpose of this provision.” Additionally, modify the last sentence to read: “The Permittee shall submit a follow-up notification to the Regional Water Board within 15 days of ceasing discharge to Malibu Creek during the prohibition period. The notification shall include the time and length of discharge, the average flow rate of the augmentation, and confirmation that the streamflow increase up to a maximum of 2.5 CFS was achieved at gauging station F-130-R.” As stated in the tentative Order, the augmentation to the flow in Malibu Creek is to supplement flow “such that 2.5 CFS of maximum total flow is monitored.” To achieve this objective, flow is released in increments that are gradually increased over time to bring the maximum flow at the gaging station up to 2.5 CFS. Background flows in Malibu Creek from other sources can vary upstream of the gaging station. Staff is careful to increase flow in stepwise manner, so the maximum flow is not exceeded and the Malibu Lagoon sandbar is not breached.</p>	<p>Species” has been included in a separate section rather than as a part of “Qualifying Storm Events.”</p> <p>Historically, the Regional Water Board has required the Las Virgenes Municipal Water District to obtain written approval to discharge to Malibu Creek during the prohibition period to maintain minimum stream flow for endangered species. Since the requirements to discharge during the prohibition are well-defined in the NPDES permit, this requirement was revised. Instead of requiring written approval to discharge during the prohibition, the Tentative Order requires written notification of LVMWD’s intention to discharge prior to discharging to Malibu Creek and a follow-up notification within 15 days of ceasing discharge to Malibu Creek during the prohibition period.</p> <p>Since the Discharger has expressed concern with streamlining the process as described above to maintain minimal stream flow, the Regional Water Board staff agree to revert back to the requirement to obtain approval from the Executive Officer. In addition to the suggested language, the follow-up notification shall also include confirmation that the discharge did not cause the sand bar at the Malibu Lagoon to breach. Section V of the Tentative Order was revised to reflect this modification.</p>	

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Las Virgenes Municipal Water District	3	<p>Page 12, Table 5, Footnote 13.</p> <p>Modify Footnote 13 to clarify that the Interim Final Effluent Limitations specified in Table 7 will supersede those for Nitrite as Nitrogen and Nitrate + Nitrite as Nitrogen specified in Table 5 after the effective date of TMDL Implementation Plan Resolution No. R16-009. Replace the last sentence of the footnote with "This Average Monthly Effluent Limitation (AMEL) for nitrite as nitrogen and nitrate + nitrite as nitrogen will be superseded by the interim seasonal total nitrogen limitations specified in Table 7 after the effective date of TMDL Implementation Plan Resolution No. R16-009."</p> <p>Also, add reference to Footnote 13 to the final effluent limitation for nitrite as nitrogen specified in Table 5.</p>	<p>The interim final effluent limitations established in Table 7 of the Tentative Order are effective for the effective life of the permit and are independent of the effective date of Resolution No. R16-009. Footnote 13 was included in Table 5 because the total nitrogen final effluent limitations are more stringent than the final effluent limitation for nitrate plus nitrite as nitrogen. The Basin Plan includes a water quality objective for nitrate plus nitrite as nitrogen of 10 mg/L. The previous permit included a final effluent limitation for nitrate plus nitrite of 8 mg/L, consistent with the Malibu Creek Watershed Nutrients TMDL developed by the USEPA in 2003. For consistency and to prevent backsliding, the final effluent limitation for nitrate plus nitrite as nitrogen of 8 mg/L has been retained in the Tentative Order. Since the Interim Final Effluent Limitations for total nitrogen established in Table 7 of the Tentative Order are less stringent than the final effluent limitation for nitrate plus nitrite as nitrogen, the final effluent limitation for nitrate plus nitrite is required for the protection of the beneficial uses of the receiving water.</p> <p>Footnote 13 is not applicable to the final effluent limitation for nitrite as nitrogen because the final effluent limitations for total nitrogen are less stringent than the final effluent limitation for nitrite as nitrogen. The final effluent limitation for nitrite is based on the water quality objective of 1 mg/L in the Basin Plan and is required for the protection of the beneficial uses of the receiving water.</p>	None necessary.
Las Virgenes Municipal Water District	4	<p>Fact Sheet, Page F-39, Section IV.A.3.</p> <p>Correct a typographical error for the reference to the monitoring station for creek flow at the lower sites of Malibu Creek and Malibu Lagoon (p. F-39). The last sentence should of the second paragraph should read:</p>	Staff agreed.	Revision was made to the permit.

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		"...monitoring of the creek flow at the lower sites of Malibu Creek and Malibu Lagoon was initiated and continued until water appeared at the Cross Creek Road Bridge (RSW-MC004D , formerly known as R-4)."		
Las Virgenes Municipal Water District	5	<p>Tentative Order, Pages 20-21 and 30, Sections VIII.A.2.z and VIII.C.7.b.iv.</p> <p>Remove Tentative Order Sections VIII.A.2.z and VIII.C.7.b.iv, which require a feasibility report evaluating the feasibility of additional recycling efforts and a Pollution Minimization Program (PMP), respectively. The JPA's compliance schedule for nutrients in Malibu Creek, as described in Tentative Order Section VIII.C.7, accomplishes the intent of these two requirements. The compliance schedule, as detailed in Table 8, outlines the measures for the JPA to maximize beneficial reuse of the treated effluent from Tapia and effectively eliminate discharges to Malibu Creek, serving as its pollution minimization (control) strategy.</p>	<p>Regional Water Board staff agree that the compliance schedule in Table 8 of the Tentative Order accomplishes the intent of the feasibility report evaluating the feasibility of additional recycling efforts. The compliance schedule includes requirements to design and construct recycled water infrastructure that will permit LVMWD to recycle the majority of its treated effluent from the Tapia WRF. The compliance schedule requires annual reports on the progress of the interim requirements and section VIII.A.2.z duplicates these requirements; therefore, in order to minimize duplicative reporting, section VIII.A.2.z has been deleted.</p> <p>The PMP requirement in VIII.C.7.b.iv refers to the requirements in section VIII.C.3.c. Since it is not necessary to duplicate this requirement, VIII.C.7.b.iv has been deleted. The compliance schedule reports, however, will be required to explain the control strategy and the control measures used to comply with the TMDL Implementation Plan Resolution No. R16-009.</p>	Revisions were made to the permit.
Las Virgenes Municipal Water District	6	<p>Tentative Order, Page 22, Section VIII.C.1.m.</p> <p>Modify the language provided in Tentative Order Section VIII.C.1.m to broaden reopener provision, as follows: "Upon the request of the Permittee, the Regional Water Board will review future studies conducted by the Permittee such as an evaluation of the appropriateness of utilizing dilution credits and/or</p>	The intent of these requested modifications appears to be to create an avenue to reopen the permit if the Discharger conducts watershed-specific studies that support modification of a specific final effluent limitation. The Regional Water Board supports the Discharger's efforts to conduct watershed-specific studies and staff has revised the reopener as follows	Revisions were made to the permit.

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		attenuation factors if they are demonstrated to be appropriate and protective of the ground water recharge (GWR) beneficial use, on a pollutant-by-pollutant basis, or the causes of watershed impairments . Following this evaluation, this Order may be reopened to modify final effluent limitations, if at the conclusion of the necessary studies conducted by the Permittee, the Regional Water Board determines that such modifications are warranted."	(also see reopener language in Response to Comment #7): <i>Upon the request of the Permittee, the Regional Water Board <u>staff</u> will review future studies conducted by the Permittee, to evaluate the appropriateness of utilizing dilution credits and/or attenuation factors, if they are demonstrated to be appropriate and protective of the ground water recharge (GWR) beneficial use, on a pollutant-by-pollutant basis, to evaluate and justify the need for revised water quality objectives in reaches impacted by Tapia WRF's discharge. Following this evaluation, this Order may be reopened to modify final effluent limitations, if at the conclusion of the necessary studies conducted by the Permittee, the Regional Water Board determines that dilution credits, attenuation factors, or metal translators are warranted.</i>	
Las Virgenes Municipal Water District	7	Tentative Order pages 21 to 22. The tentative Order is proposed together with a Time Schedule Order (TSO) to provide additional time for compliance with the application of a lower chloride limit (150 mg/L) to discharges from the Tapia Water Reclamation Facility to the Los Angeles River. The TSO involves the JPA investigating the sources of chloride in its source water, and the data is expected to support a proposed Basin Plan Amendment to change the upstream limit for the existing 190 mg/L chloride Water Quality Objective for the Los Angeles River from the Sepulveda Flood Control Basin to the point of Tapia's discharge. As a result, the JPA recommends the inclusion of the following reopener to allow for incorporation of a future Basin Plan Amendment: "This Order will be reopened and	Section VIII.C.1.i includes a reopener to add or revise effluent limitations to the Order as a result of future Basin Plan Amendments. The reopener reads as follows: <i>This Order may be reopened and modified, to add or revise effluent limitations as a result of future Basin Plan Amendments, such as an update of a water quality objective, or the adoption/revision of any of the Los Angeles River or Malibu Creek Watershed Total Maximum Daily Loads (TMDLs).</i> Since the above reopener addresses the concern regarding any Basin Plan amendment, the suggested language is unnecessary. In addition, the Regional Water Board will only consider a modification to the chloride water quality objective for those segments of	Revision was made to the permit.

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		<p>modified three years from its effective date to incorporate changes from a proposed Basin Plan Amendment for the Los Angeles River Chloride Water Quality Objective."</p>	<p>the Los Angeles River impacted by Tapia WRF's discharge including Arroyo Calabasas Creek and segments of the Los Angeles River downstream of the confluence of Arroyo Calabasas Creek and the Los Angeles River.</p> <p>The proposed language also does not consider the possibility of a site-specific objective or a discharge-specific variance and only provides three years for the adoption of a Basin Plan amendment. The Time Schedule Order that accompanies this Tentative Order includes a milestone that requires LVMWD to propose solutions to the Regional Water Board that may include utilizing the Chloride Source Investigation and Evaluation Reports, development of a Site-Specific Objective, a Basin Plan Amendment, or a discharge-specific variance for consideration by the Regional Water Board. An additional reopener has been included in Section VIII.C.1 of the Tentative Order to reflect this requirement and to provide the full duration of the TSO. The new reopener reads as follows:</p> <p><i><u>This Order will be reopened if the Regional Water Board adopts a Basin Plan amendment, a site-specific objective or a discharge-specific variance for chloride, and the permit will be modified, if appropriate, to be consistent with the Regional Water Board action. Regional Water Board staff will schedule a regulatory action for Regional Water Board consideration as soon as possible following the receipt of the complete Investigation, Evaluation, Identification of Options and Recommendation TSO submittals.</u></i></p>	

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Las Virgenes Municipal Water District	8	<p>Tentative Order Page 29-30, Section VIII.C.7.</p> <p>Revise the last sentence on p. 29 to read “Although some interim milestones in the Compliance Schedule are expected to change, the Discharger shall comply with the final summer WLAs within five years after the effective date of TMDL Implementation Plan Resolution No. R16-009 and the final winter WLAs within 13.5 years after the effective date of TMDL Implementation Plan Resolution No. R16-009.” Also, the completion dates in Table 8 on p. 31 should be revised to reflect reference to the effective date of TMDL Implementation Plan Resolution No. R16-009, rather than effective date of Order No. R4-2017-XXXX.</p>	Regional Water Board staff agree that the compliance schedule should be consistent with the requirements in Resolution R16-009. Since Resolution No. R16-009 was approved by the Office of Administrative Law (OAL) on May 16, 2017, the actual due dates have been incorporated into Table 8.	Revisions were made to the permit.
Las Virgenes Municipal Water District	9	<p>Tentative Order Page 30, Section VIII.C.7.i.</p> <p>Increase the amount of time allowed for notification of compliance or noncompliance with interim requirement from 14 to 30 days following each interim milestone date.</p>	The 14-day requirement is required in item 7c of State Water Resources Control Board Resolution No. 2008-0025, <i>Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits</i> . Since this is State Water Board policy, it is inappropriate to make an exception and extend the notification to 30 days.	None necessary.
Las Virgenes Municipal Water District	10	<p>Monitoring and Reporting Program, Page E-12, Table E-3.</p> <p>Revised the effluent temperature monitoring specified in Table E-3 of the Monitoring and Reporting Program from weekly to monthly. Currently, Order R4-2010-0165 requires monthly temperature monitoring, which has proved sufficient. Also, monthly temperature monitoring corresponds with the concurrent monitoring performed for nitrogen compounds and pH analysis as described in Footnote 16.</p>	Staff agreed. Table F-12 was also modified to reflect this change.	Revisions were made to the permit.

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Las Virgenes Municipal Water District	11	<p>Tentative Order, Page 1.</p> <p>Consider amending the effective date of the NPDES Permit, as specified in tentative Order Table 3, to immediately follow the adoption of a Basin Plan Amendment for the Los Angeles River Chloride Water Quality Objective. The proposed Basin Plan Amendment would consist of extending the upstream limit of the existing 190 mg/L chloride Water Quality Objective for the Los Angeles River from the Sepulveda Flood Control Basin to the point of Tapia's discharge. This approach would eliminate the need for the currently-proposed Time Schedule Order for the lower chloride limit applied to Tapia's discharges to the Los Angeles River and would maintain the current 190 mg/L chloride limit, which has been applied to Tapia for nearly two decades.</p>	<p>The proposed option of amending the effective date of the NPDES permit to follow the adoption of a future Basin Plan amendment would not be appropriate because the permit is due for renewal and needs to reflect the current Basin Plan requirements, including the recently adopted nutrient TMDL. The Regional Water Board is required to comply with the water quality control plans approved by the State Water Resources Control Board under Section 13247 of the California Water Code. Since the adoption of the 2010 permit, several Basin Plan amendments were adopted by the Regional Water Board and approved by the State Water Resources Control Board and must be implemented for the protection of the beneficial uses of the receiving waters. Delaying the effective date for an unspecified number of years would also compromise the compliance schedule in the Tentative Order for nutrients in the Malibu Creek thereby potentially delaying progress and compliance with the final effluent limitations.</p> <p>In addition, the TSO being considered concurrently with this order establishes an interim final effluent limitation for chloride of 190 mg/L which is effective for five years. The TSO assigns specific tasks to be conducted by the discharger including submittal of information that the Regional Water Board staff will use to develop a Basin Plan amendment, a discharge-specific variance, or a site-specific water quality objective. If the final effluent doesn't meet the applicable water quality objectives and final effluent limitations established in the Tentative Order, the TSO also includes a provision that allows the discharger to request an extension of the TSO 90 days in advance of the TSO expiration.</p>	None necessary.